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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/902,579	07/12/2001	Martin Grosshart	Q65122	3620

7590 06/17/2004

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EXAMINER

NGUYEN BA, HOANG VU A

ART UNIT	PAPER NUMBER
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2122

DATE MAILED: 06/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/902,579

Applicant(s)

GROSSHART ET AL.

Examiner

Hoang-Vu A Nguyen-Ba

Art Unit

2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

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Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/12/01.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to the application and preliminary amendment, both filed July 12, 2001.

Response to Amendment

2. Per Applicants' request, the specification and claims 3-11 have been amended.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. § 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. The invention as disclosed in claims 1-11 are directed to non-statutory subject matter. While the claims are in the technological arts, they are not limited to "a practical application of an abstract idea which produced a useful, concrete, and tangible result." State Street Bank & Trust v. Signature Financial Group, Inc., 149 F. 3d 1368, 1375 n. 9 (Fed. Cir. 1998).

Specifically, claims 1 and 7 are directed to a method for generating information models comprising generating in coded form a master information model and generating one or more product-specific information models. Applicants fail to disclose that this method for generating information models, which are software components, has practical applications that produce useful, concrete, and tangible results under the State Street Formulation.

Claims 10 and 11 are directed to an information-processing system and a software product for implementing the above method. The information-processing system and the software product are interpreted to be software

components, i.e., computer program per se. Applicants thus fail to disclose that the information-processing system and the software product for generating information models are tangibly embodied and executed by a piece of hardware and that their functions have practical applications which produce useful, concrete, and tangible results under the State Street Formulation.

On this basis, claims 1, 7, 10 and 11 are rejected under 35 U.S.C. § 101.

Claims 2-9, which depend from claim 1, are also rejected for the same reasons.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by CCITT, Recommendation X.722, Information Technology – Open Systems Interconnection – Structure of Management Information: Guidelines for the Definition of Managed Objects, 1992.

Claims 1, 7, 10 and 11

CCITT discloses at least a method, information-processing system and software product for generating and processing information models *characterized in that a first, master information model is generated in coded form in a first description language and is stored in a database and in that one or more second, product-specific information models are generated from the master information model by means of first selection parameters and, in each case, stored in a database* (see at least sections 8.3, 8.4 and 8.5).

Claim 2

The rejection of base claim 1 is incorporated. CCIT further discloses *one or more third, project-specific information models are generated, in each case, from the one or more second, product-related information models by means of second selection parameters and, in each case, stored in a database* (see at least sections 8.3, 8.4 and 8.5).

Claim 3

The rejection of base claim 1 is incorporated. CCIT further discloses *one or more second, product-specific information models are generated which are coded in a second description language differing from the first description language* (see at least sections 8.3, 8.4 and 8.5).

Claim 4

The rejection of base claim 1 is incorporated. CCIT further discloses *one or more second, product-specific information models describe network elements of a communications network* (Recommendation X.722 is Data Communication Networks).

Claim 5

The rejection of base claim 1 is incorporated. CCIT further discloses *software components for network elements of a communication networks are generated from one of the one or more second, product-specific information models* (see at least sections 8.3, 8.4 and 8.5).

Claim 6

The rejection of base claim 1 is incorporated. CCIT further discloses *software components for network elements of a communication networks are generated from one of the one or more third, project-specific information models* (see at least sections 8.3, 8.4 and 8.5).

Claim 8

The rejection of base claim 1 is incorporated. CCIT further discloses *one or more second, product-specific information models are generated from the master information model by means of first selection parameters and, in each case, stored in database and in that one or more product profiles or a comparison of two or more product profiles is/are generated from the one or more second, product-specific information models and, in each case, stored in a database* (see at least sections 8.3, 8.4 and 8.5).

Claim 9

The rejection of base claim 1 is incorporated. CCIT further discloses *one or more second, product-specific information models are generated from the master information model by means of first selection parameters and, in each case, stored in a database, in that one or more third, project-specific information models are generated, in each case, from the one or more second, product-related information models by means of second selection parameters and, in each case, stored in a database and in that one or more product profiles or a comparison of two or more product profiles is/are generated from the one or more third, project-specific information models, in each case stored in a database* (see at least sections 8.3, 8.4 and 8.5).

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoang-Vu A Nguyen-Ba whose telephone number is (703) 305-0103. The examiner can normally be reached on Tuesday-Friday, 6:15 - 15:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached on (703) 305-4552. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**ANTONY NGUYEN-BA
PRIMARY EXAMINER**

Art Unit 2122

June 8, 2004

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